

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
DEC 07 1998

County
~~City~~
~~Town~~
~~Village~~

of ERIE

Local Law No. 5 of the year 1998

Allyn A. Friedman
Secretary of State

A local law re-enacting Erie county local law number seven of nineteen hundred ninety-five with respect to the consolidation of the Erie county medical center and the Erie county home and infirmary, and making provision for fiscal control of such combined operation.

Be it enacted by the Erie County Legislature of the
(Name of Legislative Body)

County
~~City~~
~~Town~~
~~Village~~

of ERIE as follows:

Section 1. Statement of legislative intent. In nineteen hundred ninety-five, the county of Erie enacted, and the people of Erie county approved at referendum, Erie county local law number seven of nineteen hundred ninety-five. That local law provided for the consolidation and merger of the Erie county home and infirmary with the Erie county medical center. Section eight of that enabling law provides that the merger of the medical center and the home and infirmary shall continue through December 31, 1998, and permits the Erie county legislature to permanently renew the merger upon re-enactment of the provisions of the original enactment. It is the intention of the Erie county legislature, by this local law, to re-enact and to make permanent the merger of the Erie county medical center and the Erie county home and infirmary.

§2. Section one of Erie county local law number seven of nineteen hundred ninety-five, amending paragraph one of subdivision C of section sixteen hundred two of Erie county local law number one of nineteen hundred fifty-nine, constituting the Erie county charter, as amended, is hereby re-enacted to read as follows:

1. The board shall have the general superintendence, management and control of the Erie

(If additional space is needed, attach pages the same size as this sheet, and number each.)

county medical center and of the Erie county home and infirmary, and of the grounds, buildings, officers, employees, staff and patients thereof; and of all matters relating to the government, discipline, contracts (except for collective bargaining agreements), and fiscal concerns of the medical center. The board shall make such rules and regulations as may seem to it necessary for carrying into effect the purposes of the Erie county medical center and of the home and infirmary and providing for their operation and sound management. Nothing contained herein shall effect the responsibility of the county of Erie to negotiate with the recognized and certified collective bargaining agents for the employees at the medical center or the home and infirmary. Wherever used in this charter, the term Erie county medical center or the term medical center shall be deemed to include the Erie county home and infirmary unless otherwise stated.

§3. Section two of Erie county local law number seven of nineteen hundred ninety-five, amending paragraph four of subdivision C of section sixteen hundred two of Erie county local law number one of nineteen hundred fifty-nine, constituting the Erie county charter, as amended, is hereby re-enacted to read as follows:

4. The board shall appoint and, subject to legislative appropriations provided therefor and the provisions of paragraph 8(a) of subdivision C of this Section, fix the compensation of the medical center chief executive officer, medical director, chief financial officer, chief operating officer, and associate administrator for health systems development, and the administrator of the Erie county home and infirmary.

a. The chief executive officer shall be appointed on the basis of his training and experience in health care administration, shall not be a member of the board, and shall serve at the pleasure of the board. The chief executive officer of the medical center shall have and exercise all the powers and duties of a superintendent of a public general hospital under New

York statutes subject not inconsistent with this Section of the Erie County Charter, and shall also have and exercise those powers and duties conferred or imposed by the Erie County Charter, the Administrative Code, and subsequent local law.

b. The administrator of the Erie county home and infirmary shall be appointed by the board on the basis of education, training and experience and shall possess all qualifications required of a nursing home administrator under the statutes and regulations of the state of New York.

§4. Section three of Erie county local law number seven of nineteen hundred ninety-five, amending subparagraph c of paragraph eight of subdivision C of section sixteen hundred two of Erie county local law number one of nineteen hundred fifty-nine, constituting the Erie county charter, as amended, is hereby re-enacted to read as follows:

c. Subject to civil service law and rules and to all provisions of applicable collective bargaining agreements, the board shall have the power to create and abolish full-time and part-time permanent or temporary positions of employment. Assignment of job groups, except in the case of the medical center chief executive officer, medical director, chief financial officer, chief operating officer, and associate administrator for health systems development, and administrator of the home and infirmary, shall be certified by the county department of personnel. When the medical center is unable to fill a position with a qualified person at the lowest salary level for the job group assigned to the position, the board may fill such position at a higher salary increment within the assigned job group with the approval of the county department of personnel.

§5. Section four of Erie county local law number seven of nineteen hundred ninety-five, amending subparagraph e of paragraph eight of subdivision C of section sixteen hundred two of Erie county local law number one of nineteen hundred fifty-nine, constituting the Erie county

charter, as amended, is hereby re-enacted to read as follows:

e. If at anytime during the fiscal year it appears that the medical center revenue available will not be sufficient to meet the amounts appropriated, or that the actual year to date expenditures will exceed the amounts appropriated, the board of managers shall report to the county executive and the county legislature within thirty days of the identification of the shortfall the estimated amount of the deficit, remedial action to be taken, and recommendations for further action. Failure to do so shall constitute cause for removal of members of the board from office by the county executive with the approval of the county legislature. If within thirty days of making such report to the county legislature the board of managers shall not have implemented and put into effect remedial actions to the satisfaction of the county legislature, the county legislature may impose such remedial actions as it may determine to be necessary to avert or to ameliorate a deficit. The determination of whether the board of managers has implemented and put into effect such remedial actions shall be in the sole determination of the county legislature.

§6. Section five of Erie county local law number seven of nineteen hundred ninety-five, amending section 16.02 of Erie county local law number one of nineteen hundred sixty, constituting the Erie county administrative code, as amended, is hereby re-enacted and amended to read as follows:

Section 16.02. Erie county medical center; board of managers; chief executive officer; chief financial officer. The Erie county medical center board of managers shall have and exercise all the powers and duties of a board of managers of a public general hospital under New York statutes not inconsistent with the provisions of section 1602 of the Erie county charter, and shall also have and exercise those powers and duties conferred or imposed by the county legislature. The Erie county medical center chief executive officer shall have and exercise all the

powers and duties of a hospital superintendent of a public general hospital under New York statutes not inconsistent with the provisions of section 1602 of the Erie county charter, and shall have and exercise those powers and duties conferred or imposed by the county charter, this code, and by subsequent local law of the Erie county legislature. The Erie County medical center chief financial officer shall have and exercise all the powers and duties of a treasurer of a public general hospital under New York statutes not inconsistent with the provisions of section 1602 of the Erie county charter, this code, and by subsequent local law of the Erie county legislature. The administrator of the Erie county home and infirmary shall be appointed by the board of managers of the Erie county medical center and shall have and exercise the powers and duties of an administrator of a nursing home under the statutes of the state of New York not inconsistent with the provisions of section 1602 of the Erie county charter, this code, or subsequent local law of the county legislature.

§7. Section sixteen hundred eleven of Erie county local law number one of nineteen hundred fifty-nine, constituting the Erie county charter, as amended, as added to such charter by Erie county local law number nine of nineteen hundred eighty-nine, is hereby repealed.

§8. Section 16.11 of Erie county local law number one of nineteen hundred sixty, constituting the Erie county administrative code, as amended, as added to such administrative code by Erie county local law number nine of nineteen hundred eighty-nine, is hereby repealed.

§9. This local law shall take effect immediately.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 5 of 19⁹⁸ of the (County)(City)(Town)(Village) of _____ ERLE _____ was duly passed by the Erie County Legislature on November 5, 1998, and was (approved)(not approved)(repassed after disapproval) by the _____ County Executive _____ and was deemed duly adopted on November 17, 19⁹⁸, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

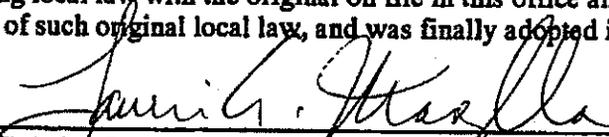
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body.

(Seal)

Date: December 3, 1998

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ERIE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

1st Assistant County Attorney
Title

County
~~City~~ of ERIE
~~Town~~
~~Village~~

Date: 3 December 1998